

DATE:

MAR 31 1982

SUBJECT: Referral for Enforcement Action Pursuant to the Resource Conservation and Recovery Act (RCRA) - Nixdorff-Lloyd Chain Company, Maryville, Missouri (MOD099238784).

FROM:

Michael J. Sanderson *MJS*
Acting Chief, AWCM

TO:

Terry Satterlee
Chief, LEGL

Thru: David A. Wagoner *DW*
Director, ARWM

John H. Morse *JH*
Regional Counsel

Nixdorff-Lloyd Chain Company operates a facility located at 2500 East First Street, Maryville, Missouri. The facility contact is Mr. Edmund G. Hughes, Project Engineer.

Nixdorff-Lloyd has a 683,000 gallon surface impoundment that, up until the fall of 1981, received spent pickle liquor (listed as K062 in 40 CFR 261.32), electroplating bath sludge (listed as F008 in 40 CFR 261.31), and stripping and cleaning solutions from the electroplating process (listed as F009 in 40 CFR 261.31). At the present time this facility is not generating hazardous wastes and is thus not adding waste to this impoundment.

On January 27, 1982, the Waste Management Program, Missouri Department of Natural Resources (MDNR), sent Nixdorff-Lloyd Chain Company a Letter of Warning (LOW) which addressed violations found by MDNR during an August 31, 1981 RCRA compliance inspection. The LOW also requested that Nixdorff-Lloyd comply with the requirements of 40 CFR Part 265, Subpart F by submitting a groundwater monitoring plan to MDNR no later than April 1, 1982.

On March 8, 1982, EPA sent this facility a letter, pursuant to Section 3007 of RCRA, asking Nixdorff-Lloyd the reasons why they were not in compliance with 40 CFR Part 265, Subpart F.

On March 18, 1982, Nixdorff-Lloyd Chain Company responded to our 3007 letter by stating that they were not required to comply with the federal groundwater monitoring requirements based on 40 CFR 265.1(c)(4), which states that 40 CFR 265 does not apply to facilities in a state that has a RCRA program authorized under 40 CFR Part 123. The facility also stated that they submitted their groundwater monitoring plan to MDNR on February 26, 1982 and were in the process of hiring qualified persons to install this groundwater monitoring system.

CONCURRENCES				
SYMBOL	AWCM	AWCM	AWCM	AWCM
SURNAME	Dayle	Gaskley	Sanderson	
DATE	3/30/82	3/30/82	3/31/82	



R00342885
RCRA RECORDS CENTER

Based on the January 22, 1982 memo from EPA Headquarters to the Regions, which outlines the enforcement actions to be taken against facilities not in compliance with 40 CFR Part 265, Subpart F, ARWM/AWCM is recommending that CNSL write and issue an Administrative Order, pursuant to Section 3008 of RCRA, to Nixdorff-Lloyd Chain Company, for failure to comply with 40 CFR Part 265, Subpart F, by not having a groundwater monitoring plan by November 19, 1981 and not taking their first quarter groundwater monitoring samples and analysis as required by 40 CFR 265.92(c). We recommend that this order require Nixdorff-Lloyd to have an approvable plan within 30 days of receipt of the order and that proposed penalties, for the Class I violation, of \$6,000 be assessed.

Concerning the facility's belief that they are exempt from the requirements of 40 CFR Part 265 due to Missouri attaining Interim Authorization under 40 CFR Part 123, this of course is not correct since Missouri has not yet submitted a final authorization application to the EPA and probably won't for sometime. On March 24, 1982, David Doyle, of my staff, talked to Mr. Hughes of Nixdorff-Lloyd and informed him of this misimpression on their part.

Please direct any questions on this matter to David Doyle at x6248.

PART I: CASE INFORMATION

40 CASE SUMMARY State agency first noted that facility was not complying
with any of the groundwater monitoring requirements. The State has been
assisting facility in developing an acceptable plan. The deadline for
compliance with the regulations was November 19, 1981; the company has
not yet installed the monitoring system. EPA has had written and
telephonic contact since February 1982 and has recently commented on
proposed monitoring system. State set deadline for company of April 1, 1982;

HEADQUARTERS NOTIFICATION FORM
ENFORCEMENT CASES AND ADMINISTRATIVE ACTIONS
(SUMMARY INFORMATION)

PART II: FACILITY/VIOLATOR INFORMATION

03 ENFORCEMENT NO. - - E
04 CASE NAME Nixdorff Metal Products, Inc.
 Nixdorff-Lloyd Chain Co.

50 SEQUENCE NUMBER 1
51 EPA ID NUMBER MOD099238784
52 FACILITY NAME Nixdorff-Lloyd Chain Co.
53 STREET ADDRESS 2500 E. 1st Street
54 CITY Maryville 55 STATE MO 56 ZIP 64468
57 COUNTY Nodaway 58 COUNTY CODE
59 PARENT COMPANY Nixdorff Metal Products, Inc.
61 TYPE OWNERSHIP 0 62 SIC CODE 3496, 3547, 3471
63 NEW SOURCE N (Y-Yes; N-No)
64 NPDES PERMIT NO. NONE
65 RCRA PERMIT NO. NONE
70 FACILITY VIOLATION Failure to implement a groundwater monitoring
 program and failure to take first quarter samples.